

ORIGINALUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-v.- :

ROBERT STEWART, :

a/k/a "Bob," :

Defendant. :

----- X

CONSENT PRELIMINARY ORDER OF
FORFEITURE/MONEY JUDGMENT

S1 15 Cr. 287 (LTS)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5-6-2016

WHEREAS, on July 15, 2015, ROBERT STEWART, a/k/a "Bob" (the "Defendant") and another, was charged in a nine-count Superseding Indictment, S1 15 Cr. 287 (LTS) (the "Indictment"), with conspiracy to commit securities fraud and fraud in connection with a tender offer, in violation of Title 18, United States Code, Section 371, Title 15, United States Code, Sections 78j(b), 78n(e), and 78ff, Title 17, Code of Federal Regulations, Sections 240.10b-5, 240.10b5-2, 240.14e-3(a), and 240.14e-3(d) (Count One); conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349 (Count Two); securities fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff, Title 17, Code of Federal Regulations, Sections 240.10b-5 and 240.10b5-2, and Title 18, United States Code, Section 2 (Counts Three through Eight); and securities fraud in connection with a tender offer, in violation of Title 15, United States Code, Sections 78n(e) and 78ff, Title 17, Code of Federal Regulations, Sections 240.14e-3(d), and Title 18, United States Code, Section 2 (Count Nine);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Nine of the Indictment seeking, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, the forfeiture of all property, real

and personal, which constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One through Nine of the Indictment;

WHEREAS, on August 12, 2015, the Defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461, a sum of money equal to \$150,000 in United States currency, representing all property, real or personal, that constitutes or is derived from the Defendant's proceeds traceable to the commission of the offense charged in Count One of the Indictment; and

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$150,000 in United States currency, representing the amount of proceeds that the Defendant obtained as a result of the commission of the offense charged in Count One of the Indictment;

IT IS HEREBY STIPULATED AND AGREED, by and between the plaintiff, United States of America, by its attorney Preet Bharara, United States Attorney, Assistant United States Attorneys Sarah E. McCallum and Brooke E. Cucinella, of counsel, and the Defendant, and his counsel, Seth L. Levine, Esq. and Jillian B. Berman, Esq., that:

1. As a result of the offense charged in Count One of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$150,000 in United States currency (the "Money Judgment") shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, ROBERT

STEWART, a/k/a "Bob", and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the "United States Marshals Service," and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007, and shall indicate the Defendant's name and case number.

4. Upon execution of this Consent Preliminary Order of Forfeiture/Money Judgment and pursuant to Title 21, United States Code, Section 853, the United States Marshals Service shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of the property, including depositions, interrogatories, requests for production of documents and to issue subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

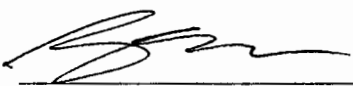
6. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

7. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Jason H. Cowley, Chief of the Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007.

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

PREET BHARARA
United States Attorney for the
Southern District of New York

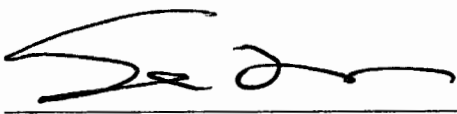
By: 
SARAH E. McCALLUM
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
Tel.: (212) 637-1033

8-12-2015
DATE

ROBERT STEWART
DEFENDANT

By: 
ROBERT STEWART

8/12/2015
DATE

By: 
SETH L. LEVINE, ESQ.
JILLIAN B. BERMAN, ESQ.
Attorneys for Defendant
Levine Lee LLP
666 Fifth Avenue
New York, New York 10103
Tel.: (212) 223-4400

8/12/2015
DATE

SO ORDERED:


HONORABLE LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

5/4/16
DATE